IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2704 of 2007

Tukaram M. Mundekar & ors. .. Petitioners

versus

State of Maharashtra & ors. .. Respondents

...

Mr.P.S. Dani for the petitioner.

Mr.C.R. Sonawane, AGP for respondent nos.1 to 3.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 1st August 2007.

P.C.:

. Heard.

2. The learned AGP for the respondent tenders affidavit of Smt.Revati Ashok Gaikar, Special Land Acquisition Officer, Metro Centre No.3, Panvel, Dist: Raigad. Affidavit is taken on record.

3. In paragraph no.3 of the affidavit of Smt.Gaikar, it is stated that though the petitioners' land bearing Survey No.129, Hissa No.1B was initially notified for acquisition and notification under section 4 of the Land Acquisition Act was issued, thereafter no notifications under section 6 of the Land Acquisition was issued and award was not passed. Thus, though the notification was issued u/s.4 in the year 1990 till today notification u/s.6 of the Land Acquisition Act has not been issued, and therefore the acquisition has lapsed in view of section 11A of the Land Acquisition Act. We therefore, direct the respondent nos 1 to 3 to delete the entry regarding acquisition made in revenue records and in particular other rights column of the 7/12 extracts. With this direction, the petition is disposed of.

(D.G. KARNIK, J) (S.B. MHASE, J)